IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 2184 OF 2005

Mrs. Mini Anil Kumar .... Petitioner

versus

state of Maharashtra ..... Respondent.

Samji Joseph for the petitioner
M.H.Solkar AGP for Respondent no.1.
A.V.Bukhari i/b B.V.Bukhari for respondents 3 to 5.

CORAM; A.P. DESHPANDE, J.
DATED; 28TH EBRUARY, 2007

P.C.;

1. The present petitioner was working in a pre school cent re and aggreived by her termination from service, the petitioner filed an appeal before the School Tribunal. The School Tribunal has dismissed the appeal, holding that the appeal is not maintainable for the reason that Pre School Centre is not governed and regulated by the provision of MEPS Act and Rules made thereunder. Pre School Centre has been defined in Sec. 2(16) of the Act and the same is not covered by the definition of School. It is obvious that Pre School Centre is not regulated by the said act. This point has been considered by a Division Bench of this Court in **1996 II C.L.R. 872,** holding that Pre School Centre does not fall within the definition of School.

2. The learned counsel for the petitioner points out that the definition of School has been aamended in the year 1990 and it goes to insert the following words in the definition "any other institution by whatever name called". The said inclusion cannot be read so as to include Pre School Centre in the definition of School. The said words would include any other institution, which would be similar to the institution referred to prior i.e., to which the Primacy school, Secondary school, Higher secondary school orjunior college of education. It cannot include Pre School Centre.

3. In the result, there being no merit in the petition, the same is dismissed.

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